
By: **Delegate Cadden**

Introduced and read first time: February 25, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Full-Day Kindergarten - Extension**

3 FOR the purpose of authorizing a county board of education or county governing body
4 to apply to the State Superintendent of Schools for an extension of a certain
5 full-day kindergarten program requirement under certain circumstances;
6 requiring the State Superintendent to consider certain factors in determining
7 whether to grant an extension; requiring the State Superintendent to issue a
8 decision within a certain amount of time; allowing a county board or county
9 governing body to file an appeal with the Board of Public Works if the State
10 Superintendent denies the extension request; requiring the Board of Public
11 Works to schedule an appeal hearing and issue a decision in a certain amount of
12 time; providing that if an extension is granted, funding for kindergarten
13 students shall be based on a certain equivalent status; and generally relating to
14 authorizing a county board of education or county governing body to apply to the
15 State Superintendent for an extension of the full-day kindergarten program
16 requirement.

17 BY repealing and reenacting, with amendments,
18 Article - Education
19 Section 7-101(e)
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2003 Supplement)

22 BY adding to
23 Article - Education
24 Section 7-101(f)
25 Annotated Code of Maryland
26 (2001 Replacement Volume and 2003 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

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Article - Education

2 7-101.

3 (e) (1) By the 2007-2008 school year, each county board shall provide
4 full-day kindergarten programs for all kindergarten students in that county.

5 (2) In the comprehensive master plan that is submitted under § 5-401 of
6 this article, a county board shall identify the strategies that will be used in that
7 county to ensure that full-day kindergarten programs are provided to all
8 kindergarten students in that county by the 2007-2008 school year OR IN
9 ACCORDANCE WITH AN EXTENSION GRANTED UNDER SUBSECTION (F) OF THIS
10 SECTION.

11 (F) (1) (I) A COUNTY BOARD REQUIRED TO PROVIDE OR A COUNTY
12 GOVERNING BODY REQUIRED TO FUND FULL-DAY KINDERGARTEN PROGRAMS
13 UNDER SUBSECTION (E) OF THIS SECTION MAY REQUEST AN EXTENSION OF THIS
14 REQUIREMENT FROM THE STATE SUPERINTENDENT.

15 (II) A COUNTY BOARD OR COUNTY GOVERNING BODY MAY NOT
16 REQUEST AN EXTENSION FOR SCHOOLS LOCATED IN CRITICAL NEEDS AREAS OR
17 LOW SOCIOECONOMIC AREAS AS DETERMINED BY THE DEPARTMENT.

18 (III) A COUNTY BOARD OR COUNTY GOVERNING BODY MAY NOT
19 REQUEST AN EXTENSION BEYOND THE 2011-2012 SCHOOL YEAR.

20 (2) IN DETERMINING WHETHER TO GRANT AN EXTENSION OF THE
21 REQUIREMENT UNDER SUBSECTION (E) OF THIS SECTION, THE STATE
22 SUPERINTENDENT SHALL CONSIDER:

23 (I) THE CURRENT CAPACITY AND CAPABILITY OF EXISTING
24 SCHOOLS TO ACCOMMODATE FULL-DAY KINDERGARTEN STUDENTS;

25 (II) THE ACTUAL CAPITAL AND OPERATING COST TO THE COUNTY
26 TO MEET THE REQUIREMENT UNDER SUBSECTION (E) OF THIS SECTION;

27 (III) THE SCHOOL CONSTRUCTION DEBT CAPACITY OF THE COUNTY;
28 AND

29 (IV) THE FEASIBILITY AND AVAILABILITY OF ALTERNATIVE SITES
30 AND FINANCING TO ACCOMMODATE THE FULL-DAY KINDERGARTEN STUDENTS.

31 (3) (I) THE STATE SUPERINTENDENT SHALL ISSUE A DECISION
32 WITHIN 60 DAYS AFTER THE RECEIPT OF A REQUEST FOR AN EXTENSION BY A
33 COUNTY BOARD OR COUNTY GOVERNING BODY.

34 (II) IF THE EXTENSION REQUEST IS DENIED, THE STATE
35 SUPERINTENDENT SHALL PROVIDE WRITTEN JUSTIFICATION FOR THE DENIAL TO
36 THE COUNTY BOARD OR COUNTY GOVERNING BODY.

1 (III) IF THE STATE SUPERINTENDENT DOES NOT ISSUE A DECISION
2 WITHIN 60 DAYS, THE EXTENSION REQUEST SHALL BE CONSIDERED DENIED AND
3 THE COUNTY BOARD OR COUNTY GOVERNING BODY MAY APPEAL TO THE BOARD OF
4 PUBLIC WORKS.

5 (4) (I) IF THE STATE SUPERINTENDENT DENIES A REQUEST FOR AN
6 EXTENSION UNDER PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY BOARD OR THE
7 COUNTY GOVERNING BODY MAY APPEAL TO THE BOARD OF PUBLIC WORKS WITHIN
8 30 DAYS AFTER THE DECISION OF THE STATE SUPERINTENDENT.

9 (II) THE BOARD OF PUBLIC WORKS SHALL SCHEDULE AN APPEAL
10 FOR A HEARING WITHIN 60 DAYS AFTER THE APPEAL IS FILED.

11 (III) IN DETERMINING WHETHER TO GRANT AN EXTENSION OF THE
12 REQUIREMENT UNDER SUBSECTION (E) OF THIS SECTION, THE BOARD OF PUBLIC
13 WORKS SHALL CONSIDER:

14 1. THE CURRENT CAPACITY AND CAPABILITY OF EXISTING
15 SCHOOLS TO ACCOMMODATE FULL-DAY KINDERGARTEN STUDENTS;

16 2. THE ACTUAL CAPITAL AND OPERATING COST TO THE
17 COUNTY TO MEET THE REQUIREMENT UNDER SUBSECTION (E) OF THIS SECTION;

18 3. THE SCHOOL CONSTRUCTION DEBT CAPACITY OF THE
19 COUNTY; AND

20 4. THE FEASIBILITY AND AVAILABILITY OF ALTERNATIVE
21 SITES AND FINANCING TO ACCOMMODATE THE FULL-DAY KINDERGARTEN
22 STUDENTS.

23 (IV) THE BOARD OF PUBLIC WORKS SHALL ISSUE A DECISION
24 WITHIN 30 DAYS AFTER THE HEARING.

25 (V) IF THE BOARD OF PUBLIC WORKS DOES NOT ISSUE A DECISION
26 WITHIN 90 DAYS AFTER THE FILING OF AN APPEAL, THE EXTENSION REQUEST SHALL
27 BE CONSIDERED GRANTED.

28 (5) IF AN EXTENSION IS GRANTED UNDER PARAGRAPH (3) OR (4) OF THIS
29 SUBSECTION, FUNDING FOR KINDERGARTEN STUDENTS UNDER § 5-202 OF THIS
30 ARTICLE SHALL BE BASED ON THEIR EQUIVALENT STATUS AS HALF-DAY STUDENTS.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect July 1, 2004.